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EXAMINER

EIDE, HEIDI MARIE

ART UNIT

PAPER NUMBER

3732

MAIL DATE

DELIVERY MODE

03/10/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Claim Objections***

Claims 13-26 are objected to because of the following informalities: The terminology must be consistent throughout the claims. For example applicant has claimed "a dental restoration" in line 3 of claim 13 and in line 4 refers to "the restoration" and not the dental restoration. Other examples include "the section" rather than the duplicate sections. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims a referencing system with respect to a support means or a duplicate, the placing the sections on a holding device and being able to reference the section with respect to each other. However, it is not clear how this can be done since the sections do not have the reference markers.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 has been amended to include the limitation of "separately placing sections of the duplicate together with corresponding sections of the duplicate connected thereto in a holding device", however, it is not clear what the applicant is trying to claim. It is not clear what the corresponding sections of the duplicate are with respect to the other claimed sections. Furthermore it is unclear what the applicant is claiming with respect to the step of "determining said referencing allocated to said sections". Applicant has previously claimed individually referencing the duplicate section to each other using the reference stored in the computer, therefore it is not clear what step the claimed limitation of determining the referencing allocated to the sections is performing. Furthermore the use of the term "its design" in the preamble is not clear along with the second part of the preamble including "duplicate sections determining its design are removed from the duplicate and form data to be allocated to the forms of the sections is determined and stored in a computer". Furthermore claim 17 has been amended to include the limitation of storing a referencing system of the base plate or of the duplicate in a computer, however, it is not clear if the referencing system is the same as the previously claimed reference system of the base. Furthermore, each of the independent claims includes a new limitation of the referencing system stored in the computer being a system located on the duplicate or the base plate. However, the method locating a reference system on the duplicate, only

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the base plate, therefore it is unclear what the applicant is trying to claim with regards to this limitation.

***Allowable Subject Matter***

Claims 13-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEIDI M. EIDE whose telephone number is (571)270-3081. The examiner can normally be reached on Mon-Thurs.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Heidi M Eide/  
Examiner, Art Unit 3732

3/5/2010

/Cris L. Rodriguez/  
Supervisory Patent Examiner, Art Unit 3732